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April 24, 2013

TESTIMONY IN OPPOSITION TO LD 1082

An Act Concerning the Ability of Off-Premises Liquor Licenses To Dispense Liquor in Sealed Refillable Containers

Good Afternoon, Senator Tuttle, Representative Luchini and members of the Veterans and Legal Affairs Committee, my name is Cheryl Timberlake. I am a resident of Mount Vernon and serve as the Executive Vice President of the Maine Beer and Wine Distributors Association, here today to offer testimony in opposition to LD 1082.

Our Association is comprised of all of the family-owned Maine beer and wine distributors in the State. The Distributors, many of who have been in operation for more than 75 years, provide distribution of beer and wine to all retail licensees including bars, restaurants, mom and pop grocery and convenience stores located throughout the state. We employ more than 1,000 Maine people. Our Association is committed to the laws and regulations governing the sales and distribution of alcoholic beverages.

In an effort to be consistent; when a bill proposes a carve-out or exception to the system, it's been our policy to advocate a go slow approach. The first issue we always try to ask in reviewing legislation; what is the problem we are trying to solve, what purpose is being achieved? This bill proposes a carve-out. The law states that products available for retail sale must be sold in the original package. We agree and support the current law.

As you have been told by the proponents of the bill, this measure would allow off-premise licensees to dispense liquor from a keg into a refillable container for resale to be consumed off- premise; thereby creating an exception. The current law states that retailers sell product in sealed containers. This is for quality control and consumer protection. In addition, all products are date stamped and coded for freshness and expiration.

The bill's supporters maintain that select beer is not available in bottles, but in draught only. Please note that currently, craft brew is available for purchase in "growlers" at retail locations. The growlers arrive as sealed product, dated and ready for sale. There are no quality control issues — the product is ready for consumer purchase- direct from the brewery, via the distributor to the retailer as prescribed in law.

Maine Beer and Wine Distributors Association 96 State Street, Suite 2 PO Box 615 Augusta, ME 04332-0615 Fax (207) 621-0175 Phone: (207) 623-5245 There is a history to the "growler" bill – probably starting with the name; which I won't go into. In an effort to support Maine's growing craft brewing industry, this committee passed a compromise measure in 2009 that permitted the on-premise brewery to sell half-gallon containers of malt liquor to go.

The compromise was due to the fact that the on-premise brew pub would be allowed to sell product to go – a feature customarily reserved for off-premise retail accounts. Thus, the blurring of the on-premise and off-premise definitions for licensees.

While the original compromise "growler" law was supported by members of the beer industry; this measure is supported by specialty retailers, not the malt liquor industry or the manufacturers.

The original growler bill, current law which is attached to my testimony, provides a key set of definitions and standards as safety protocols. Those provisions are not included in this bill and would create two sets of practices for off-premise retailers.

We have many questions with the bill. These include:

- How do you define the size of the container is this a single serve container?
- Could the customer request to refill a keg?
- Will the licensee provide a tamper evident seal for the container?
- Does the license have the ability to pre-fill containers?
- Who will pay the bottle deposit charges?

In addition, the off-premise licensees must maintain temperature controlled environment for draught beer products. To dispense this beer, as prescribed by the bill, these licenses will need to have draught equipment. These beer lines will need to be managed, cleaned and maintained for quality control purposes.

There has been some heightened media attention and blogs on this issue among the beer lovers. While we appreciate their desire to improve their access to these malt beverages, we must oppose the carveout.

Thank you for the opportunity to offer comments and I would be happy to answer any questions.